

**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

Tacoma School District

Docket No. 12-2025-OSPI-02769

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND FINAL ORDER**

Agency: Office of Superintendent of
Public Instruction

Program: Special Education

Cause No. 2025-SE-0180

SUMMARY OF DECISION

This is a summary of the decision. Please read the entire decision to understand the result. The right to appeal this decision is explained near the end of the decision.

1. The Tacoma School District’s evaluation of the Student was appropriate.
2. The Parents are not entitled to an independent educational evaluation at public expense.

STATEMENT OF THE CASE

Procedural History

The Tacoma School District (“District”) filed a due process hearing request (“Complaint”) on December 1, 2025. The case was assigned to Administrative Law Judge (“ALJ”) Marek E. Falk at the Washington State Office of Administrative Hearings. The Parents of the Student whose education is at issue¹ filed a response on December 15, 2025 and a motion alleging that the District’s complaint was insufficient on December 16, 2025.

A prehearing conference was held on December 17 2025. On December 18, 2025, ALJ Falk issued a prehearing order and a separate order denying the Parent’s challenge to the sufficiency of the complaint.

The due process hearing was set for February 2 and 3, 2026. By agreement of the parties, the hearing was continued to March 9 and 10, 2026. The hearing was held before

¹ To ensure confidentiality, names of parents and students are not used.

ALJ Falk by videoconference on those dates. The Parents appeared and represented themselves. The District was represented by Katie Hilten, attorney at law. An order setting the due date for post-hearing briefs was issued on March 11, 2026.

Due Date for Written Decision

At the parties' joint request, the deadline for a written decision was extended to 30 days after the record of the hearing closed. The record of the hearing closed on April 17, 2026 at 5:00 p.m., the deadline for the parties to submit their post-hearing briefs. The due date for a written decision is May 17, 2026.

EVIDENCE RELIED UPON

Exhibits Admitted:

District's Exhibits: D1–D3.²

Parent' Exhibits: P1.³

Witnesses Heard:

Amy Sofie, District School Counselor
M. Kim Cavanaugh, District Lead School Psychologist
Taylor Trembly, District School Psychologist
Melissa Thienes, District Co-Director of Student Services
Kathryn Cassel, District General Education Teacher
Ms. Parent
Mr. Parent

ISSUE

The sole issue for the due process hearing, as set forth in the First Prehearing Order, dated December 18, 2025, is whether the District's evaluation of the Student

² Citations to the exhibits of record are by party (P for the Parents and D for the District), exhibit number, and page number. For example, a citation to "D3, p1" refers to page 1 of District's Exhibit 3. Citations to the transcript of record are to "T" followed by the page number and the witness's last name (or Ms. Parent and Mr. Parent). For example, "T221 (Ms. Parent)" refers to Ms. Parent's testimony from page 221 of the transcript.

³ P1 is the same underlying document as D1 (the Student's evaluation), but it includes the Parents' highlighting to show text where the Parents identified problems. P1 was admitted only for the limited purpose of allowing the Parents to communicate these areas of concern more easily.

conducted in October 2025 was appropriate and, if not, whether the Parents are entitled to an IEE (independent educational evaluation) at public expense.

FINDINGS OF FACT

Background

1. The Student was [REDACTED] at the time of the due process hearing.⁴ She lives with both her parents.⁵ Ms. Parent and Mr. Parent do not have academic training or professional experience in special education or related fields.⁶
2. The Student is currently in fourth grade at Northeast Tacoma Elementary School (“Northeast Tacoma Elementary”).⁷ She also attended Northeast Tacoma Elementary for her third-grade year.⁸
3. The Student has been diagnosed with anxiety, autism, and attention-deficit/hyperactivity disorder (“ADHD”).⁹
4. The District has provided the Student with services under a 504 plan¹⁰ since before the Student’s third grade year.¹¹ The Student’s 504 plan provides several accommodations related to her symptoms of anxiety and her other diagnoses.¹²

The District’s October 2025 Evaluation of the Student

5. During the spring of the Student’s third-grade year, Ms. Parent asked the District to provide speech services to the Student.¹³ This was due to a private psychologist’s report raising concerns regarding the Student’s social pragmatic

⁴ D1, p3.

⁵ T220–21, T227 (Ms. Parent).

⁶ T242, 277–78 (Ms. Parent); T269 (Mr. Parent).

⁷ D1, p3.

⁸ D3, p1–2.

⁹ D1, p6.

¹⁰ In a school, a “504 plan” is a document listing accommodations a student with a disability may need. See 29 U.S.C. § 794 (previously found in section 504); 34 CFR Part 104. This comes from the Rehabilitation Act of 1973, 29 U.S.C. §§ 701 et seq., a federal statute that protects qualified individuals with disabilities from discrimination based on their disabilities. A person qualifies for a 504 plan if they have “a physical or mental impairment that substantially limits one or more major life activities,” such as learning, reading, or communicating. 42 U.S.C. §12102(1)(A), (2)(A).

¹¹ T40–41 (Sofie); see D1, p4.

¹² T41 (Sofie).

¹³ D1, p3.

language skills.¹⁴ The District met with the Parents twice, and at the end of the school year, the District agreed to conduct an initial evaluation at the start of the following school year.¹⁵

6. The District gave the Parents prior written notice (“PWN”) regarding the proposed evaluation and a consent form indicating the District’s intention to evaluate the Student in communication and in social, emotional, and behavioral areas.¹⁶ Ms. Parent signed the consent form and did not suggest additional areas to be tested.¹⁷

7. District School Psychologist Taylor Trembly was the case manager for the evaluation, which occurred in September 2025.¹⁸ Ms. Trembly conducted all behavioral and social-emotional portions of the evaluation, with oversight from a lead school psychologist.¹⁹ District Speech Language Pathologist (“SLP”) Justine Levy performed the communication evaluation, and Selena Ellingsen, District RN (registered nurse), provided the medical and physical review.²⁰

8. The evaluation measures were all administered in English, which is the Student’s language.²¹ Neither the Parents nor the District staff raised concerns that any evaluation measure discriminated against the Student’s racial or cultural background.²²

9. Ms. Trembly holds a master’s degree in education in school psychology.²³ As of the time of the evaluation, she had two years of experience as a school psychologist with both Northeast Tacoma Elementary and a District middle school.²⁴ After earning her undergraduate degree, she was a behavioral technician working with students with autism for two or three years.²⁵ While working on her master’s degree, Ms. Trembly completed both her internship and her practicum through the District, receiving training in conducting evaluations through those experiences.²⁶ Her internship and

¹⁴ D1, p3; T243–45 (Ms. Parent).

¹⁵ T88–89 (Trembly); T243–45 (Ms. Parent).

¹⁶ T112–14 (Trembly); T243–46 (Ms. Parent).

¹⁷ T243, T245–46 (Ms. Parent).

¹⁸ D1, p3.

¹⁹ D1; T88 (Trembly); T145–46 (Thienes).

²⁰ D1, p6–28. See WAC 181-79A-223(4)(a)(i) (defining “RN” as “registered nurse”).

²¹ D1.

²² See D1, p4.

²³ T112 (Trembly).

²⁴ T87 (Trembly).

²⁵ T111–12 (Trembly).

²⁶ T112 (Trembly); T145–46 (Thienes).

practicum training included training in using behavior rating scales and the other evaluation methods that she used for the Student's evaluation.²⁷

10. The District contacted the Parents on September 4, 2025, to confirm their availability for a team meeting on October 2, 2025.²⁸ This meeting was rescheduled to October 9, 2025, at Ms. Parent's request.²⁹

11. On October 9, 2025, the Student's evaluation team met to review the evaluation.³⁰ The team discussed the results and Ms. Trembly's recommendation that the Student did not qualify for special education.³¹ Meeting participants included Ms. Trembly; Ms. Levy; the Parents; Amy Sofie, District School Counselor; Kathryn Cassel, District General Education Teacher; Ingrid Stenberg, District Special Education Teacher; and Kristeanna Devenuti, District Principal of Northeast Tacoma Elementary, as the District Representative.³² The team agreed to Ms. Parent's request to set a second meeting to give her more time to consider the results.³³

12. On October 31, 2025, the Student's evaluation team met again to review the evaluation, with the same participants.³⁴ The District team members agreed to findings that the Student showed "age-appropriate communication and social/emotional skills at school," and that she was "performing at grade[]level academically."³⁵ The District team members agreed that the Student's disabilities were not affecting her ability to access her education, and concluded that the Student was not eligible for special education.³⁶ These conclusions were explained in the evaluation's "Eligibility Decision" as well as in the PWN issued after the team meetings.³⁷ Dated signatures for the evaluation team members are not visible in the evaluation report, though the PWN issued after the meetings stated the team members signed the report.³⁸

²⁷ T145-46 (Thienes).

²⁸ D1, p2.

²⁹ D1, p2.

³⁰ D1, p31.

³¹ D1, p31.

³² D1, p5; T194-95 (Cassel).

³³ D1, p31.

³⁴ D1, p5, p31.

³⁵ D1, p31.

³⁶ D1, p3, p31.

³⁷ D1, p3, p31.

³⁸ D1, p5, p31.

13. During the meetings, the team discussed and considered a private evaluation of the Student and letters from multiple treatment providers, all provided by the Parents.³⁹

14. The Parents disagreed with the conclusion that the Student was ineligible for special education.⁴⁰ Their disagreement was noted on the evaluation summary's signature page, and the District held the evaluation open until the Parents' statements explaining their disagreement were ready to be added to the report.⁴¹

Review of Existing Information

15. The evaluation's summary was prepared by Ms. Trembly, the evaluation case manager.⁴² The summary referenced Ms. Parent's spring 2025 request for "speech services" and Ms. Parent's report that a psychologist had evaluated the Student and raised "concerns ... regarding [the Student]'s pragmatic language skills."⁴³ The summary also included a report discussing language observation and screening of the Student in 2021, when the Student was in kindergarten.⁴⁴

16. The evaluation's summary did not contain information from the Student's academic record.⁴⁵ The evaluation's eligibility decision explanation includes a statement that the Student was "performing at grade-level academically."⁴⁶ Each of the Student's grades in her third-grade year were either the highest⁴⁷ or second highest⁴⁸ grades out of a four-point scale.⁴⁹

Medical-Physical Findings

17. Selena Ellingsen, RN, performed the medical-physical portion of the evaluation.⁵⁰

³⁹ D1, p31.

⁴⁰ D1, p29-31.

⁴¹ D1, p5, p29-31.

⁴² D1, p3.

⁴³ D1, p3.

⁴⁴ D1, p3.

⁴⁵ D1, p3.

⁴⁶ D1, p3.

⁴⁷ "Meets all key indicators for proficient work and most key indicators for exceptional work." D3, p1.

⁴⁸ "Meets most key indicators for proficient work.... Independently demonstrates grade-level knowledge and skills." D3, p1.

⁴⁹ D3, p1-3.

⁵⁰ D1, p6.

18. Ms. Ellingsen’s report included a review of records and parental input, and a list of the Student’s diagnoses and medication.⁵¹ She noted that the Student did not require support at school for any medical diagnoses.⁵²

Review of General Education

19. Ms. Trembly observed the Student in class, spoke to the Student’s fourth grade teacher, Ms. Cassel, and conducted a review of the Student’s testing records.⁵³

20. On the morning of September 16, 2025, Ms. Trembly observed the Student for 55 minutes in Ms. Cassel’s fourth grade classroom, as the class engaged in various activities.⁵⁴ During this time, the Student raised her hand frequently at appropriate moments, provided appropriate answers and information when called on or asked questions, followed all of Ms. Cassel’s instructions, and worked quietly on task when expected to.⁵⁵ Ms. Cassel’s only redirection of the Student during this time was to tell the Student once to stop touching the student next to her.⁵⁶ Ms. Cassel told Ms. Trembly that the Student and two of her friends often touched each other in a manner that Ms. Cassel stated was typical of girls at that age.⁵⁷ Throughout the observation, Ms. Trembly observed no signs of anxiety in the Student.⁵⁸

21. Ms. Trembly listed the Student’s iReady spring diagnostic scores from the Student’s first grade year through her third grade year, as well as her scores from fall 2025, in her fourth grade year.⁵⁹ The Student’s iReady records from second grade and later show she has consistently earned scores at or surpassing grade level in both reading and math.⁶⁰ In first grade, she scored at or above grade level for winter testing, but her scores on some metrics regressed below grade level in spring testing.⁶¹

22. According to Ms. Trembly’s review, in statewide standardized SBA testing at the end of her third-grade year, the Student performed at “Level 4 (exceeding standards)”

⁵¹ D1, p6.

⁵² D1, p6.

⁵³ D1, p6–8.

⁵⁴ D1, p8; T114–15 (Trembly).

⁵⁵ D1, p8.

⁵⁶ D1, p8.

⁵⁷ D1, p8.

⁵⁸ T95–96 (Trembly).

⁵⁹ D1, p7–8.

⁶⁰ D1, p7–8.

⁶¹ D1, p7–8.

in both math and English language arts.⁶² Ms. Trembly also reviewed the Student's grades from her second- and third-grade years and found the Student had "met or exceeded all standards assessed by the end of each year."⁶³

23. Ms. Trembly found that the Student "is a sweet, hardworking, highly capable student."⁶⁴ She also wrote that Ms. Cassel had conveyed "that, in class, [the Student] is well behaved, shows an interest in the material being covered, and raises her hand to participate and ask questions."⁶⁵

Social, Emotional, and Behavioral

24. Ms. Trembly conducted the evaluation's social, emotional, and behavioral assessment.⁶⁶ For her assessment, Ms. Trembly considered the Student's grades and standardized test scores, her observation of the Student in the classroom, reports and statements from multiple people, as well as the results from the rating scale questionnaires she had several people complete for five separate behavior ratings scale systems.⁶⁷ The behavior ratings scale systems Ms. Trembly used were technically sound and reliable to assess the Student's suspected and known difficulties.⁶⁸

25. Ms. Trembly spoke with or reviewed reports from three District professionals familiar with the Student.⁶⁹ The Student's third grade teacher had reported in June 2025 that the Student "has excellent behavior at school, communicates clearly with myself and other students, and almost always seems emotionally regulated."⁷⁰ The Student's counselor, Ms. Sofie, stated, "[the Student] is kind, trustworthy, smart, and helpful. She is a pleasant person to be around!"⁷¹ Ms. Sofie voiced "mild concerns" about the Student's "self-advocacy abilities, but no other social/emotional/behavioral concerns."⁷² School had been in session for three weeks when the evaluation was conducted in September 2025, and Ms. Cassel, the Student's fourth grade teacher, reported she had had insufficient time to understand all the Student's skills and

⁶² D1, p8. "SBA" refers to Smarter Balanced Assessment.

⁶³ D1, p8.

⁶⁴ D1, p7.

⁶⁵ D1, p7.

⁶⁶ D1, p6-21, p23-28.

⁶⁷ D1, p6-21, p23-28.

⁶⁸ T140-43 (Thienes).

⁶⁹ D1, p9.

⁷⁰ D1, p9.

⁷¹ D1, p9-10.

⁷² D1, p9-10.

needs.⁷³ However, she communicated that the Student “had shown interest and participated in class, and that [Ms. Cassel] had no significant concerns regarding [the Student]’s functioning in class.”⁷⁴

26. One rating scales system Ms. Trembly used to gather data was the Behavior Assessment System for Children—Third Edition (“BASC-3”).⁷⁵ This is a “norm-referenced rating scale designed to help identify a variety of emotional and behavioral concerns in children.”⁷⁶ Ms. Trembly had five people complete ratings responses for the BASC-3: the Student; the Student’s third and fourth grade teachers; Ms. Parent; and Ms. Sofie, the Student’s school counselor.⁷⁷

27. The BASC-3 assesses responses to certain questions on a “clinical” scale, and assesses other responses on an “adaptive” scale.⁷⁸ The clinical scale is used to assess potential “social/emotional/behavioral concerns in the school environment.”⁷⁹ The adaptive scale is used to assess “age-appropriate skills to support social/emotional functioning.”⁸⁰ Both scales feature multiple ranges, including: “average,” “at risk,” and “clinically significant.”⁸¹

28. On the BASC-3’s clinical scale, results from the three District professionals “indicate[d] a lack of significant social/emotional/behavioral concerns in the school environment.”⁸² One response from Ms. Sofie, for “withdrawal,” or being shy, was 60, which is one point above the “average” range and in the “at risk” range, “though [Ms. Sofie] did not report any frequent/severe challenges.”⁸³ The Student’s responses on the clinical scale were all in the average range except for that of “Locus of Control,” due to her perception of being both unable to “control what happens to her” and undeservedly blamed for certain things.⁸⁴ The Student’s responses for this area showed a score of 67, in the “at risk” range.⁸⁵ Apart from these two “at risk” scores,

⁷³ D1, p9.

⁷⁴ D1, p9.

⁷⁵ D1, p9.

⁷⁶ D1, p9.

⁷⁷ D1, p9.

⁷⁸ D1, p9–10.

⁷⁹ D1, p9.

⁸⁰ D1, p10.

⁸¹ D1, p9.

⁸² D1, p9; see D1, p9–12. For each chart of reported scores from the BASC-3, responses scored on the clinical scale are listed first (before the adaptive scale’s listings), then reported as an average of the scores, in bold, with the label “Behavior Symptoms Index” or “Emotional Symptoms Index.” D1, p9–14.

⁸³ D1, p9.

⁸⁴ D1, p12.

⁸⁵ D1, p12–13.

all the clinical scale scores from the Student and the three District professionals were in the “average” range.⁸⁶

29. On the BASC-3’s adaptive scale, the responses from the Student, the Student’s counselor, and third grade teacher were all in the “average” range.⁸⁷ The adaptive scale responses of Ms. Cassel, the Student’s fourth grade teacher, led to four out of five scores being in the “clinically significant” or “at risk” ranges.⁸⁸ Ms. Cassel later explained to Ms. Trembly that she had reported the Student lacked skills when she had not yet had the opportunity to observe them, and she clarified she had no concern the Student lacked those skills.⁸⁹

30. Ms. Parent’s ratings on both BASC-3 scales were dramatically different from the other responders, with every score being in the “clinically significant” or “at risk” ranges except for the adaptive skill of “leadership,” which was scored in the “average” range.⁹⁰ Ms. Trembly interpreted this as “indicating challenges in the home environment.”⁹¹ A difference in functioning in school versus in the home is “pretty typical of a lot of students that [Ms. Trembly has] evaluate[d].”⁹² Given that, Ms. Trembly found the discrepancy between Ms. Parent’s responses and the District professionals’ responses did not invalidate the results of any responses.⁹³

31. However, Ms. Parent’s responses on the BASC-3 prompted Ms. Trembly to use an additional rating scale system to understand the Student’s needs; that system was the Social Skills Improvement System Social Emotional Learning Edition (“SSIS SEL”).⁹⁴ The SSIS SEL “is a norm-referenced assessment focused on skills specific to interpersonal interactions and self-regulation.”⁹⁵ Ms. Trembly had Ms. Parent, Ms. Sofie, and Ms. Cassel complete ratings responses for this rating scale.⁹⁶ The scale has multiple ranges, including “well below average,” “below average,” “average,” and

⁸⁶ D1, p9–14.

⁸⁷ D1, p10–14. For each chart of reported scores from the BASC-3, responses scored on the adaptive scale are listed second (after the clinical scale’s listings), then reported as an average of the scores, in bold, with the label “Adaptive Skills” or “Personal Adjustment.” D1, p11–14.

⁸⁸ D1, p11.

⁸⁹ D1, p10.

⁹⁰ D1, p14–15.

⁹¹ D1, p14.

⁹² T110 (Trembly).

⁹³ T110 (Trembly).

⁹⁴ T92–93 (Trembly); D1, p9.

⁹⁵ D1, p9.

⁹⁶ D1, p9.

“above average.”⁹⁷ Scores in ranges below the “average” range indicate a greater need for concern.⁹⁸

32. In the SSIS SEL, the responses from Ms. Sofie and Ms. Cassel resulted in “Composite,” “Core Skills,” and “Academic Competence” averaged scores within the “average” or “above average” range.⁹⁹ Ms. Trembly found this indicated that the Student “demonstrates age-appropriate social skills” while at school.¹⁰⁰ Ms. Sofie’s responses all led to scores in the “average” range or above, apart from the score for “Self-Awareness,” which was in the “below average” range.¹⁰¹ Ms. Cassel’s responses for “Self-Management” and “Social Awareness” led to scores in the “below average” and “well below average” ranges, respectively.¹⁰² However, as explained above, Ms. Cassel later told Ms. Trembly that she had stated the Student lacked certain skills if she had not yet had the opportunity to see how the Student responded to various negative situations.¹⁰³ Ms. Cassel also stated that the Student had close friends with whom she laughed and conversed, as well as social skills in managing discussions with classmates, that her social behavior was “typical of girls her age, and that she had no concerns regarding [the Student]’s social skills.”¹⁰⁴

33. Ms. Parent’s SSIS SEL responses were markedly different from those of the other responders.¹⁰⁵ Her responses for “Self-Management” resulted in scores in the “average range,” but the resultant scores for all other areas were in the “well below average range.”¹⁰⁶ These other areas were “Self-Awareness,” “Social Awareness,” “Relationship Skills,” and “Responsible Decision Making.”¹⁰⁷

34. Another rating scales system Ms. Trembly used was the Conners 4th Edition (“Conners-4”), to assess the Student’s executive function.¹⁰⁸ Ms. Trembly had Ms. Parent, the Student, Ms. Cassel, and the Student’s third-grade teacher complete ratings responses for this rating scale.¹⁰⁹ The scale has multiple ranges, including

⁹⁷ D1, p9, p15-17.

⁹⁸ D1, p15-17.

⁹⁹ D1, p15-16.

¹⁰⁰ D1, p15-16.

¹⁰¹ D1, p16.

¹⁰² D1, p15-16.

¹⁰³ D1, p15-16.

¹⁰⁴ D1, p15-16.

¹⁰⁵ D1, p15-17.

¹⁰⁶ D1, p16-17.

¹⁰⁷ D1, p16-17.

¹⁰⁸ D1, p9.

¹⁰⁹ D1, p9.

“low,” “average,” “slightly elevated,” “elevated,” and “very elevated.”¹¹⁰ Scores in ranges above the “average” range indicate an increased reason for concern.¹¹¹

35. In the Conners-4, the responses from Ms. Cassel and the Student’s third-grade teacher resulted scores entirely within the “average” or “low” ranges.¹¹² Ms. Trembly found that “[t]his indicated that [the Student] has not been observed demonstrating significant executive function challenges at school.”¹¹³ She further concluded that the Student “engages in class activities and completes assignments without issue.”¹¹⁴

36. The Student reported multiple areas of difficulty on the Conners-4, but on all but one metric, “she did not report experiencing such challenge more frequently or to a greater degree than other children her age.”¹¹⁵ The Student’s responses regarding “Schoolwork” (understanding instructions and turning work in on time) earned a score in the “slightly elevated” range, but Ms. Trembly noted that “as her teachers did not report such concerns, current systems/supports offered to [the Student] appear to adequately meet her needs.”¹¹⁶

37. As with previously discussed rating scales, Ms. Parent’s responses on the Conners-4 differed greatly from those of the other responders.¹¹⁷ Of the 12 topic areas, Ms. Parent’s responses earned seven scores in the “very elevated” range, three scores in the “elevated” range, two scores in the “slightly elevated” range, and one score in the “average” range.¹¹⁸ Ms. Trembly noted that Ms. Parent’s responses “indicate there is a significant functional impact at home ... [but] significantly fewer concerns regarding [the Student]’s functioning at school and in social situations.”¹¹⁹

38. Ms. Trembly also administered the Autism Spectrum Rating Scales (“ASRS”).¹²⁰ Ms. Trembly had Ms. Parent, Ms. Sofie, Ms. Cassel, and the Student’s third-grade teacher complete ratings responses for this rating scale.¹²¹ This scale has multiple ranges, including “low,” “average,” “slightly elevated,” “elevated,” and “very

¹¹⁰ D1, p9, p15-16.

¹¹¹ D1, p17-21.

¹¹² D1, p15-16.

¹¹³ D1, p17-18.

¹¹⁴ D1, p17-18.

¹¹⁵ D1, p18.

¹¹⁶ D1, p18.

¹¹⁷ D1, p17-21.

¹¹⁸ D1, p19-21.

¹¹⁹ D1, p19-20.

¹²⁰ D1, p9.

¹²¹ D1, p9.

elevated.”¹²² Scores in ranges above the “average” range indicate an increased number of “concerns than are typically reported.”¹²³

39. In the ASRS, responses from Ms. Sofie and the two teachers resulted in average scores within the “low” and “average” ranges.¹²⁴ Both Ms. Cassel’s and Ms. Sofie’s responses in “Social/Communication” resulted in scores within the “slightly elevated” range, but the responses of all District professionals for all other topic areas were within the “low” and “average” ranges.¹²⁵

40. In contrast, Ms. Parent’s responses on the ASRS led to an average score within the “very elevated” range, with scores in all areas either within the “elevated” or “very elevated” ranges, apart from “Sterotypy,” which was in the “average” range.¹²⁶ Ms. Trembly found, “[t]his indicates that, at home, [the Student] demonstrates many behaviors/characteristics associated with autism spectrum disorder.”¹²⁷

41. The final rating scale system Ms. Trembly used was the Multidimensional Anxiety Scale for Children, 2nd Edition (“MASC-2”).¹²⁸ Ms. Trembly had Ms. Parent and the Student complete ratings responses for this rating scale.¹²⁹ The scale has multiple ranges, including “low,” “average,” “high average,” “slightly elevated,” “elevated,” and “very elevated.”¹³⁰ Scores in ranges above the “average” range indicate an increased occurrence of symptoms.¹³¹

42. The Student’s responses earned a “total score” within the “slightly elevated” range.¹³² Ms. Trembly concluded this composite score was “indicative of a low probability for [the Student] having an anxiety disorder,” though she noted the Student had “recently received a diagnosis of social anxiety.”¹³³ The Student’s only scores in the “very elevated” range were in “Obsessions & Compulsions” and “Panic.”¹³⁴ Her responses for “Tense/Restless” and “Performance Fears” were within the “slightly

¹²² D1, p9.

¹²³ D1, p9.

¹²⁴ D1, p23–25.

¹²⁵ D1, p23–25.

¹²⁶ D1, p25–26.

¹²⁷ D1, p25.

¹²⁸ D1, p9.

¹²⁹ D1, p9.

¹³⁰ D1, p9, p26–28.

¹³¹ D1, p26–28.

¹³² D1, p26.

¹³³ D1, p26.

¹³⁴ D1, p26–28.

elevated” range, and the remainder of her responses were scored within the “average” or “high average” ranges.”¹³⁵ The Student reported to Ms. Trembly “that she [was] happy with how things [were] at school” and did not believe she needed more accommodations, supports, or instruction than she was already receiving.¹³⁶

43. In contrast, Ms. Parent’s responses earned a “total score” within the “very elevated” range.¹³⁷ All but one of her scores were within the “very elevated” range; a single score was within the “average” range.¹³⁸ Ms. Trembly noted these scores were “indicative of a very high probability [of the Student] having an anxiety disorder.”¹³⁹

44. District Lead School Psychologist Kim Cavanaugh reviewed the Student’s evaluation before the hearing.¹⁴⁰ Ms. Cavanaugh has a master’s degree in school psychology and has worked as a school psychologist for 29 years.¹⁴¹ The District’s two Lead School Psychologists provide communication between management and the school psychologists, and they provide support to the school psychologists as needed.¹⁴² Ms. Cavanaugh is familiar with using the ratings scales and other evaluation methods that Ms. Trembly implemented in the Student’s evaluation.¹⁴³

45. In her review of Ms. Trembly’s work on the evaluation, Ms. Cavanaugh concluded it was “probably one of the most thorough assessments [she had] seen.”¹⁴⁴ This was because in most social-emotional and behavioral evaluations Ms. Cavanaugh had conducted, she used two rating scales with input from two or three people, whereas Ms. Trembly used more than two scales with input from more than three people.¹⁴⁵ She also noted Ms. Trembly’s description of the results was “pretty thorough.”¹⁴⁶ She “really like[d] that” Ms. Trembly had requested ratings from both the Student’s third and fourth grade teachers, as the school year had just started.¹⁴⁷ Additionally, she noted that Ms. Trembly’s observation, at 55 minutes long with multiple instructional subjects, was “very thorough” and far longer than the 20 minutes

¹³⁵ D1, p26–28.

¹³⁶ D1, p28.

¹³⁷ D1, p26.

¹³⁸ D1, p26–28.

¹³⁹ D1, p27.

¹⁴⁰ T68–69, T73 (Cavanaugh).

¹⁴¹ T68–69 (Cavanaugh).

¹⁴² T68–69 (Cavanaugh).

¹⁴³ T71–77 (Cavanaugh).

¹⁴⁴ T73–74 (Cavanaugh).

¹⁴⁵ T74 (Cavanaugh).

¹⁴⁶ T74 (Cavanaugh).

¹⁴⁷ T76 (Cavanaugh).

for which Ms. Cavanaugh typically observed a student.¹⁴⁸ Overall, Ms. Cavanaugh was “pretty impressed” with Ms. Trembly’s work and found it sufficient for an IEP team to make a determination about special education eligibility.¹⁴⁹

46. Co-Director of Student Services Melissia Thienes also reviewed the Student’s evaluation to decide whether to grant the Parents’ request for an IEE.¹⁵⁰ Ms. Thienes holds a master’s degree in education and a bachelor’s degree in psychology.¹⁵¹ She holds a national endorsement as a middle childhood generalist and a certificate for teaching multicultural learners.¹⁵² Ms. Thienes has over one year’s experience in her current role, as well as eight years as a principal, four years as an assistant principal, one year as an instructional coach, and nine years as a classroom teacher.¹⁵³

47. In her review of the Student’s evaluation, Ms. Thienes verified that Ms. Trembly had properly conducted the implementation and scoring of the behavior rating scales, following the test manufacturers’ instructions.¹⁵⁴ She found Ms. Trembly used all the types of tools available to get information about the Student’s potential difficulties.¹⁵⁵

48. Ms. Thienes found the evaluation was “very thorough” in its use of multiple assessments.¹⁵⁶ Overall, she found the evaluation to be “very thorough and very thoughtful,” and that it was sufficient for an IEP team to decide the Student’s special education eligibility.¹⁵⁷

Communication

49. Ms. Levy conducted the Student’s communication evaluation.¹⁵⁸ Ms. Levy is a certified school SLP who has been with the District for two years.¹⁵⁹ She has received training for her role.¹⁶⁰

¹⁴⁸ T75–76 (Cavanaugh).

¹⁴⁹ T74, T77 (Cavanaugh).

¹⁵⁰ T123–24 (Thienes).

¹⁵¹ T123 (Thienes).

¹⁵² T123 (Thienes).

¹⁵³ T122–23 (Thienes).

¹⁵⁴ T144–45 (Thienes).

¹⁵⁵ T142–43 (Thienes).

¹⁵⁶ T124 (Thienes).

¹⁵⁷ T127 (Thienes).

¹⁵⁸ D1, p21–23.

¹⁵⁹ D1, p21; T145 (Thienes).

¹⁶⁰ The record contains no evidence specific to Ms. Levy’s training. However, to be a school speech language pathologist, Ms. Levy must have, at minimum, a master’s degree from a school accredited by

50. Ms. Levy used several metrics to form her conclusions.¹⁶¹ She reviewed reports from Ms. Parent and Ms. Cassel, spoke with the Student, delivered a standardized assessment to the Student, and observed the Student while with her and while in the Student's classroom.¹⁶² Ms. Levy's report was thorough, explaining her judgment, the use of the standardized assessment, and why the standardized assessment was appropriate and suited to the Student's needs.¹⁶³

51. Reviewing Ms. Parent's report, Ms. Levy noted parental concerns about verbal expression, non-verbal expression, and tone, as well as about failing to understand social cues, make eye contact, or advocate for herself.¹⁶⁴ Ms. Levy noted that Ms. Cassel had no current concerns about the Student's "pragmatic language or self-advocacy skills" and that she had stated the Student was "excelling academically."¹⁶⁵

52. In her own observation of the Student, Ms. Levy found the Student "presented with a quiet yet positive affect and appeared to answer both informal and formal test questions with her best efforts."¹⁶⁶ Regarding the Student's self-advocacy and engagement with others, Ms. Levy noted the Student did not ask any questions of her, but in the classroom, the Student engaged with her peers and raised her hand to get help from her teacher when needed.¹⁶⁷ With a single prompt or "minimal verbal support," the Student was able to tell Ms. Levy when she wanted to stop the assessment for the day and "able to verbalize how she would solve ... hypothetical problems and to advocate for her needs."¹⁶⁸ In answering questions, Ms. Levy stated the Student was sometimes "vague" in her responses.¹⁶⁹ Ms. Levy gave this label to the Student's off-topic answer when asked what she was working on with her private SLP; she also applied it to some of the Student's initial responses, before prompting, of how she would deal with hypothetical problems.¹⁷⁰

the American Speech and Hearing Association and she must have passed a written comprehensive exam administered either by her school or by a state-approved provider. See WAC 181-79A-223(7)(a).

¹⁶¹ D1, p21-22.

¹⁶² D1, p21-22.

¹⁶³ D1, p21-22.

¹⁶⁴ D1, p21.

¹⁶⁵ D1, p21.

¹⁶⁶ D1, p21.

¹⁶⁷ D1, p21.

¹⁶⁸ D1, p21-22.

¹⁶⁹ D1, p21.

¹⁷⁰ D1, p21-22.

53. Ms. Levy assessed the Student's receptive and expressive language skills, based on her own observation of the Student as well as Ms. Parent's and Ms. Cassel's reports.¹⁷¹ She found the Student's "receptive language skills are within normal limits."¹⁷² Regarding the Student's expressive language skills, Ms. Levy found the Student "benefits from classroom support to express herself verbally and to advocate for her needs in a general education setting ... [and] will continue to receive support via accommodations outlined in her 504 plan."¹⁷³

54. Ms. Levy assessed the Student's fluency, prosody, oral mechanism, and vocal quality, based on her own observation of the Student.¹⁷⁴ She found the Student's fluency, oral mechanism, and vocal quality were all "within normal limits" and she noted no concerns regarding these factors.¹⁷⁵ Ms. Levy also found the Student's prosody was "within normal limits," but she noted the Student "speaks at a low volume and may benefit from prompting to speak louder when appropriate."¹⁷⁶

55. Ms. Levy assessed the Student's pragmatic language skills by administering a standardized measure, the Social Language Development Test-Elementary: Normative Update ("SLDT-E").¹⁷⁷ This measure "assesses language-based skills of social interpretation and interaction with friends ... [through] measur[ing] the language required" for several social skills.¹⁷⁸ The Student's scores in all four subtests (making inferences, interpersonal negotiation, multiple interpretations, and supporting peers) were "within normal limits."¹⁷⁹ Her composite Social Language Development Index score was also "within normal limits."¹⁸⁰

56. Ms. Levy concluded that as the Student was "within normal limits in the area of Communication," she did not meet the requirements for special education eligibility.¹⁸¹

¹⁷¹ D1, p22.

¹⁷² D1, p22.

¹⁷³ D1, p22.

¹⁷⁴ D1, p22.

¹⁷⁵ D1, p22.

¹⁷⁶ D1, p22.

¹⁷⁷ D1, p21-22.

¹⁷⁸ D1, p22.

¹⁷⁹ D1, p22. The Student's four subtest scores were all between 7 and 13. *Id.* In her description of the scoring scale, Ms. Levy stated that "scores between 7 and 13 are considered within the average range." In her discussion of the subtests, she described the Student's scores as being "within normal limits," or "WNL." *Id.*

¹⁸⁰ D1, p22.

¹⁸¹ D1, p23.

Ms. Levy noted that “504 supports will continue to be offered and implemented within the general education setting.”¹⁸²

57. In her review of the Student’s evaluation, Ms. Thienes verified that Ms. Levy had followed the test manufacturer’s instructions for administering the various rating scale systems used.¹⁸³ She found the evaluation as a whole to be “very thorough and very thoughtful.”¹⁸⁴

The Parents’ Concerns

58. The Student often comes home from school upset, exhausted, in tears, or emotionally dysregulated.¹⁸⁵ The Student does not typically exhibit symptoms like these at school or show more signs of dysregulation than other students.¹⁸⁶ Ms. Parent infers that the Student is “masking” her symptoms at school¹⁸⁷ and that the effort of “holding everything together” all day takes a tremendous toll on the Student.¹⁸⁸ Ms. Parent did not ask the District to test for masking before the evaluation, and Ms. Trembly is not aware of a measure to detect masking, though she noted Ms. Parent’s concern about it in the evaluation report.¹⁸⁹ Ms. Parent also reported the Student was having difficulty in her math class and exhibited test anxiety in her Taekwondo class.¹⁹⁰

59. Ms. Parent is concerned that the Student lacks the ability to communicate and to speak up for herself.¹⁹¹ Ms. Parent cited one event from the Student’s third grade school year that she viewed as a safety concern, where the Student had been unable to re-assert her urgent need to use the restroom after being told “no” one time.¹⁹² Ms. Parent also referenced another situation, which she referred to as the “umbrella incident” because the Student had been hit by an umbrella.¹⁹³ After being hit by the umbrella, the Student told Ms. Parent that she had “been being hit and kicked by

¹⁸² D1, p23.

¹⁸³ T144–45 (Thienes).

¹⁸⁴ T127 (Thienes).

¹⁸⁵ T220–21 (Ms. Parent).

¹⁸⁶ T48 (Sofie); T177–79 (Cassel); D1, p9–10.

¹⁸⁷ T98 (Trembly); T220–22 (Ms. Parent). Ms. Trembly defined “masking” as a person with a disability working hard to not let others see what “they are experiencing internally” and the “challenges that they are experiencing.” T98–99 (Trembly).

¹⁸⁸ T220–21 (Ms. Parent).

¹⁸⁹ T242 (Ms. Parent); T109 (Trembly); D1, p14, p16.

¹⁹⁰ T227–28, T231–32 (Ms. Parent).

¹⁹¹ T221, T232, T239–41, T255, T256 (Ms. Parent).

¹⁹² T239, T241 (Ms. Parent).

¹⁹³ T241 (Ms. Parent); T197, T212 (Cassel).

another student ... for weeks” before telling Ms. Parent.¹⁹⁴ The Student never told her teacher, Ms. Cassel, about this.¹⁹⁵ Ms. Parent also pointed to Ms. Levy’s comments in the evaluation that some of the Student’s responses had been “vague.”¹⁹⁶

60. In her evaluation report, Ms. Levy noted that despite some of the Student’s initial responses being vague, the Student explained her responses in sufficient detail with “minimal verbal support from the SLP.”¹⁹⁷

61. Ms. Cassel, the Student’s fourth grade teacher, described the Student as being “comfortable coming up to [Ms. Cassel] and sharing information with [her],” and as being “comfortable talking to [Ms. Cassel and] asking [her] questions.”¹⁹⁸ In the classroom, the Student is “always smiling, always participating.”¹⁹⁹ The Student is also “enthusiastic,” “excited to participate,” “very articulate,” “clearly able to connect [her] learning to other experiences she’s had,” and she “does really great work, [both] written [and] verbal.”²⁰⁰ She also “[l]oves to be near her friends” and is “[c]learly very social.”²⁰¹ The Student’s ability to draw inferences are “on par” with other students her age, and her ability to make mental connections and articulate her thoughts “perhaps is in the upper half of the class.”²⁰² While Ms. Cassel would like for her fourth graders to tell her about conflicts, they rarely do. ²⁰³ Ms. Cassel had no “concerns that [the Student] could not advocate for herself if there was a need.”²⁰⁴ Ms. Cassel also sees no signs of anxiety in the Student.²⁰⁵

62. Ms. Parent is concerned because the Student no longer requests use of her accommodations or visits her school counselor.²⁰⁶ Ms. Parent also suspects the District’s assessments and interviews with the Student did not provide sufficient breaks for the Student’s attention difficulties due to her ADHD and did not employ

¹⁹⁴ T241 (Ms. Parent).

¹⁹⁵ T241 (Ms. Parent).

¹⁹⁶ T252 (Ms. Parent); D1, p21.

¹⁹⁷ D1, p21.

¹⁹⁸ T203, T197–99 (Cassel).

¹⁹⁹ T173 (Cassel).

²⁰⁰ T169 (Cassel).

²⁰¹ T169 (Cassel).

²⁰² T190–92 (Cassel).

²⁰³ T211–13 (Cassel).

²⁰⁴ T203 (Cassel).

²⁰⁵ T173 (Cassel).

²⁰⁶ T229–30 (Ms. Parent); T41–42 (Sofie).

accommodations for the Student's anxiety.²⁰⁷ She notes the Parents were not consulted about appropriate accommodations for the Student's testing.²⁰⁸

63. Ms. Trembly does not recall if she offered the Student a break during their meeting, which lasted between 30 and 60 minutes, but the Student got up, moved around, and spent some time throwing a ball against the wall while the two spoke.²⁰⁹ In conducting her assessment of the Student, Ms. Trembly considered how anxiety might affect the Student's performance.²¹⁰ She does not think the way she conducted the assessment incorrectly caused the Student to be found ineligible for special education, as she conducted it the same way she had for other students with the Student's diagnoses, some of whom were found eligible for special education.²¹¹

64. Ms. Parent asserts that the Student's disabilities are interfering with her access to education.²¹² First, the Student has weekly appointments with a behavioral therapist before school.²¹³ The appointments cause her to be late to school.²¹⁴ At least once, the Student was so anxious or upset about the idea of everyone looking at her as she walked in late that Ms. Parent felt she had to keep the Student home for the day.²¹⁵ Second, Ms. Sofie's small group for students with 504 plans was at the same time as the Student's math class, and neither time could be changed, meaning the Student had to either miss her counselor's group or her math instruction.²¹⁶

65. In reading the rating responses for the BASC-3 in the Student's social, emotional, and behavioral evaluation, Mr. Parent was unable to determine which scale—clinical or adaptive—was used with each section.²¹⁷ The content of the evaluation did not make this clear to him; it does not explain which scale is used for which ratings, though this information is decipherable from comparison of the scores, ranges, and labels.²¹⁸ Mr. Parent sought clarification of this question twice during the

²⁰⁷ T221 (Ms. Parent); see T102-04 (Trembly).

²⁰⁸ T221 (Ms. Parent).

²⁰⁹ T104 (Trembly).

²¹⁰ T104 (Trembly).

²¹¹ T104 (Trembly).

²¹² T237-39 (Ms. Parent).

²¹³ T237-38 (Ms. Parent).

²¹⁴ T237-38 (Ms. Parent).

²¹⁵ T237-38 (Ms. Parent).

²¹⁶ T238-39 (Ms. Parent).

²¹⁷ T262-67 (Mr. Parent).

²¹⁸ T262-67 (Mr. Parent); D1, p9-14; see footnotes 82 and 87 for an explanation of the scale usage.

evaluation meetings, but he did not get a satisfactory explanation.²¹⁹ The lack of clarity he perceived led Mr. Parent to question the validity of the evaluation.²²⁰

66. Mr. Parent also noted certain perceived errors and inconsistencies between the scales described on page nine of the evaluation and the charts showing and describing various scores on the BASC-3.²²¹ The confidence interval on item, Attention Problems, was incorrect; for a score of 36, it showed the confidence interval as “40–54” when it should have shown “34–42.”²²² Five items with scores from 36 to 39 on the clinical scale were labeled as “average” when the clinical scale defines the “average” range as being between 40 and 59.²²³ It appears these five scores should have been labeled as being below the “average” range, as they indicate the Student had fewer symptoms than average.²²⁴

CONCLUSIONS OF LAW

Jurisdiction and Burden of Proof

1. The Office of Administrative Hearings has jurisdiction (legal authority) over the parties and subject matter of this action for the Superintendent of Public Instruction as authorized by 20 United States Code (“USC”) §1400 *et seq.*, the Individuals with Disabilities Education Act (“IDEA”), Chapter 28A.155 Revised Code of Washington (“RCW”), Chapter 34.05 RCW, Chapter 34.12 RCW, and the regulations promulgated under these provisions, including 34 Code of Federal Regulations (“CFR”) Part 300, and Chapter 392-172A Washington Administrative Code (“WAC”).

2. The District has the burden of proof in this matter.²²⁵ In a special education due process hearing, the burden of proof is a preponderance of the evidence.²²⁶ This standard means ‘more likely true than not,’ or ‘more than 50 percent likely to be true.’²²⁷

²¹⁹ T267, T271–73 (Mr. Parent);

²²⁰ T273 (Mr. Parent).

²²¹ T260–68 (Mr. Parent); see highlighted items in P1, p9–12, p14–15, p17–18.

²²² T265 (Mr. Parent); see P1, p12.

²²³ T260–68 (Mr. Parent); see yellow highlighted items in P1, p10–12.

²²⁴ D1, p9; P1, p10–12. On the clinical scale, scores of concern begin above the average range (40–59), so scores below that range indicate fewer symptoms than average. See D1, p9–14.

²²⁵ RCW 28A.155.260(1).

²²⁶ RCW 28A.155.260(3).

²²⁷ See *Preponderance of the Evidence*, Ballentine’s Law Dictionary (3rd ed. 1969).

The IDEA and FAPE

3. Under the IDEA, a school district must provide a free and appropriate public education (“FAPE”) to all eligible children. In doing so, a school district is not required to provide a “potential-maximizing” education, but rather a “basic floor of opportunity.”²²⁸

4. In *Bd. of Educ. of Hendrick Hudson Central Sch. Dist. v. Rowley*, the U.S. Supreme Court established both a procedural and a substantive test to evaluate a state’s compliance with the IDEA.²²⁹ The first question is whether the state has complied with the procedures set forth in the IDEA.²³⁰ The second question is whether the individualized education program developed under these procedures is reasonably calculated to enable the child to receive educational benefits.²³¹ “If these requirements are met, the State has complied with the obligations imposed by Congress and the courts can require no more.”²³²

Independent Educational Evaluations (“IEEs”)

5. Parents have a right to obtain an IEE at district expense if they disagree with a school district’s evaluation of their child, under certain circumstances.²³³ An IEE is an evaluation conducted by a qualified examiner who is not employed by the school district.²³⁴ If a parent requests an IEE, a district must either ensure that an IEE is provided at no cost to the parent without unnecessary delay or initiate a due process hearing within 15 calendar days to show that the district’s evaluation is appropriate.²³⁵

6. If the district initiates a due process hearing and the final decision is that the district’s evaluation is appropriate, the parent still has the right to obtain an IEE at their own expense.²³⁶

7. When a district initiates a due process hearing to show its evaluation was appropriate, the issue of whether the district correctly decided the student’s eligibility

²²⁸ *Bd. of Educ. of Hendrick Hudson Central Sch. Dist. v. Rowley*, 458 U.S. 176, 197 n.21, 200–01, 102 S. Ct. 3034 (1982).

²²⁹ *Id.* at 206–07.

²³⁰ *Id.* at 206.

²³¹ *Id.* at 206–07.

²³² *Id.* at 207.

²³³ WAC 392-172A-05005(1)(a), (2); see 34 CFR 300.502(a)(1).

²³⁴ WAC 392-172A-05005(1)(c)(i); see 34 CFR 300.502(a)(3)(i).

²³⁵ WAC 392-172A-05005(2)(c)(i–ii); see 34 CFR 300.502(b)(2).

²³⁶ WAC 392-172A-05005(3); see 34 CFR 300.502(b)(3).

for special education is not before the ALJ.²³⁷ Parents (or adult students) must initiate their own due process hearing requests to address that issue.²³⁸

Evaluations

8. Evaluations must comply with the requirements in Chapter 392-172A WAC.
9. After receiving a request for an initial evaluation, a school district has twenty-five school days to decide whether to evaluate a student.²³⁹ A school district has thirty-five school days to complete an initial evaluation after it receives written consent to evaluate from the parent.²⁴⁰ A school district and a parent may agree to a different time period for completing the evaluation.²⁴¹ A district must provide prior written notice to parents that describes the evaluation procedures the district plans to use.²⁴²
10. Assessments must be “administered by trained and knowledgeable personnel” and “in accordance with any instructions provided by the producer of the assessments.”²⁴³ Students must be assessed “in all areas related to the suspected disability” and the evaluation must be “sufficiently comprehensive to identify all of the student’s special education and related service needs, whether or not commonly linked to the disability category in which the student has been classified.”²⁴⁴
11. In conducting the evaluation, a “group of qualified professionals selected by the school district must ... [u]se a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student, including information provided by the parent”²⁴⁵ The group must “[n]ot use any single measure or assessment as the sole criterion” to decide a student’s eligibility or educational programming.²⁴⁶ Additionally, the group must “[u]se technically sound

²³⁷ *A.S. v. Shoreline Sch. Dist.*, 2025 U.S. Dist. LEXIS 121802, at *6 (W.D. Wash. 2025) (citing *E.P. by & through J.P. v. Howard Cty. Pub. Sch. Sys.*, 2017 U.S. Dist. LEXIS 133780, at *18 (D. Md. Aug. 21, 2017) *aff’d sub nom. E.P. v. Howard Cty. Pub. Sch. Sys.*, 727 F. App’x 55 (4th Cir. 2018)).

²³⁸ See *id.*

²³⁹ WAC 392-172A-03005(2)(c); see 34 CFR 300.301(b)(1)(ii).

²⁴⁰ WAC 392-172A-03005(3)(a); see 34 CFR 300.301(b)(1)(ii).

²⁴¹ WAC 392-172A-03005(3).

²⁴² WAC 392-172A-03020(1); see 34 CFR 300.304(a).

²⁴³ WAC 392-172A-03020(3)(a)(iv, v); see 34 CFR §300.304(c)(1)(iv, v).

²⁴⁴ WAC 392-172A-03020(3)(e, g); see 34 CFR §300.304(c)(4, 6).

²⁴⁵ WAC 392-172A-03020(2)(a); see 34 CFR §300.304(b)(1).

²⁴⁶ WAC 392-172A-03020(2)(b); see 34 CFR §300.304(b)(2).

instruments that may assess the relative contribution of” physical, cognitive, developmental, and behavioral factors.²⁴⁷

12. “Assessments and other evaluation materials used to assess a student” must be “selected and administered so” they are not racially or culturally “discriminatory.”²⁴⁸ They also must be “provided and administered in the student’s native language ... and in the form most likely to yield accurate information.”²⁴⁹ They also must be “used for the purposes for which the assessments or measures are valid and reliable.”²⁵⁰

13. “If properly validated tests are unavailable, each member of the group shall use professional judgment to determine eligibility based on other evidence of the existence of a disability and need for special education services.”²⁵¹ This group must document their “[u]se of professional judgment ... in the evaluation report.”²⁵²

14. To conduct an evaluation, the team must consider “existing evaluation data on the student.”²⁵³ This must include “[e]valuations and information” submitted by the parents; up to date “classroom-based, local, or state assessments[;] ... classroom-based observations[,] and ... observations by teachers and related services providers.”²⁵⁴ The team must also determine if additional assessments or measures are needed to collect sufficient data to decide if a student is eligible for special education services, whether a “student is eligible for special education services,” and which services they require.²⁵⁵

15. After the “administration of assessments and other evaluation measures,” the parent of the student and qualified professionals “determine whether the student is eligible for special education and the educational needs of the student.”²⁵⁶ To do so, a district must consider “information from a variety of sources, including aptitude and achievement tests, parent input, and teacher recommendations, as well as information about the student's physical condition, social or cultural background, and

²⁴⁷ WAC 392-172A-03020(2)(c); see 34 CFR §300.304(b)(3).

²⁴⁸ WAC 392-172A-03020(3)(a)(i); see 34 CFR §300.304(c)(1)(i).

²⁴⁹ WAC 392-172A-03020(3)(a)(ii); see 34 CFR §300.304(c)(1)(ii).

²⁵⁰ WAC 392-172A-03020(3)(a)(iii); see 34 CFR §300.304(c)(1)(iii).

²⁵¹ WAC 392-172A-03020(3)(a)(iii).

²⁵² WAC 392-172A-03020(3)(a)(iii).

²⁵³ WAC 392-172A-03025(1); see 34 CFR §300.305(a)(1).

²⁵⁴ WAC 392-172A-03025(1)(a-c); see 34 CFR §300.305(a)(1)(i, ii).

²⁵⁵ WAC 392-172A-03025(2)(a)(i), (4); see 34 CFR §300.305(a)(2).

²⁵⁶ WAC 392-172A-03040(1)(a).

adaptive behavior.”²⁵⁷ The district must make certain “that information obtained from all of these sources is documented and carefully considered.”²⁵⁸

16. Additionally, a district must prepare and provide the parents with an evaluation report.²⁵⁹ The evaluation report must include, among other things, a conclusion “of whether the student has a disability that meets the eligibility criteria;” an analysis of the “assessments and ... data that support[] the [eligibility] conclusion;” a recommendation regarding “special education services and any related services;” and “[t]he date and signature of each professional member of the group certifying that the evaluation report represents [their] conclusion.”²⁶⁰

17. “[A] district need not [] evaluate a student in every area in which a parent requests [] evaluation. Rather, the district must review ‘existing evaluation data’ on the student and, on the basis of that review and input from the parents, ‘identify what additional data, if any,’ are needed to ensure the child receives a FAPE.”²⁶¹

The District’s Evaluation of the Student was Appropriate.

18. In this matter, the District has satisfied the requirements of the IDEA in conducting its evaluation of the Student.

19. The Parent received prior written notice regarding the evaluation, and she signed a consent form for it that stated the areas to be evaluated.²⁶²

20. Ms. Trembly, Ms. Levy, and Ms. Ellingsen were “trained and knowledgeable personnel,” given the degrees and licenses or certifications necessary for their roles.²⁶³ The preponderance of the evidence establishes they each had experience in their roles and appropriate training.

21. The evaluators assessed the Student “in all areas related to the suspected disability.”²⁶⁴ The evaluators used a variety of different tools and strategies to assess the Student and gather the “functional, developmental, and academic information”

²⁵⁷ WAC 392-172A-03040(3)(a).

²⁵⁸ WAC 392-172A-03040(3)(b).

²⁵⁹ WAC 392-172A-03035(1); WAC 392-172A-03040(1)(b).

²⁶⁰ WAC 392-172A-03035(a), (b), (d), (f).

²⁶¹ *L.C. v. Issaquah Sch. Dist.*, 2019 U.S. Dist. LEXIS 77834 *56 (W.D. Wash. 2019) (quoting WAC 392-172A-03025(2), *aff’d sub nom. Crofts v. Issaquah Sch. Dist. No. 411*, 2022 U.S. App. LEXIS 907 (9th Cir. 2022)).

²⁶² See WAC 392-172A-03020(1).

²⁶³ See WAC 392-172A-03020(3)(a)(iv).

²⁶⁴ WAC 392-172A-03020(3)(e).

needed to decide eligibility.²⁶⁵ The evaluation team considered both “existing evaluation data” and conducted “additional assessments [and] measures”, considering input from Ms. Parent, multiple teachers, the Student’s counselor, as well as from multiple observations, grades, diagnostic testing, and interviews with the Student.²⁶⁶ Both evaluators included information from Ms. Parent.²⁶⁷ Ms. Trembly also showed she considered Ms. Parent’s input by employing an additional measure after receiving Ms. Parent’s concerns. Both District staff members who reviewed the evaluation later found it to be very thorough, or even unusually thorough.

22. Ms. Trembly and Ms. Levy “[used] technically sound instruments,”²⁶⁸ “for the purposes for which the assessments or measures are valid and reliable.”²⁶⁹ The evaluators administered these measures “in accordance with any instructions provided by the producer of the assessments.”²⁷⁰ For observations, interviews, and other measures that were not “properly validated tests,” the evaluators explained their reasoning, conclusions, and “personal judgment” in their reports.²⁷¹

23. The evaluation’s measures were administered in the Student’s language (English), and no concerns were voiced that the measures discriminated against students of the Student’s racial and cultural background.²⁷² All measures were “used for the purposes for which the assessments or measures are valid and reliable.”²⁷³

24. After the evaluation was conducted, the District convened a meeting with the Parents and the professional evaluation team members to make a final determination regarding the Student’s eligibility for special education.²⁷⁴ The team considered information from a variety of sources, as documented in the evaluation report and in the subsequent PWN.²⁷⁵

²⁶⁵ WAC 392-172A-03020(2)(a).

²⁶⁶ WAC 392-172A-03025(1)(a-c); see WAC 392-172A-03020(2)(a).

²⁶⁷ See WAC 392-172A-03020(2)(a).

²⁶⁸ WAC 392-172A-03020(2)(c).

²⁶⁹ WAC 392-172A-03020(3)(a)(iii).

²⁷⁰ See WAC 392-172A-03020(3)(a)(v).

²⁷¹ WAC 392-172A-03020(3)(a)(iii).

²⁷² See WAC 392-172A-03020(3)(a)(i, ii).

²⁷³ WAC 392-172A-03020(3)(a)(iii).

²⁷⁴ See WAC 392-172A-03040(1)(a).

²⁷⁵ See WAC 392-172A-03040(3)(a, b).

25. Given the conclusions of law made above, the evaluation was thorough, carefully conducted, and “sufficiently comprehensive to identify all [the Student’s] special education and related service needs.”²⁷⁶

26. Finally, the District prepared an evaluation report that satisfied the requirements of WAC 392-172A-03035. The report contained extensive information for each area that was evaluated.²⁷⁷ It also contained an eligibility conclusion that summarized the data supporting the professional team members’ conclusion that the Student was ineligible for special education.²⁷⁸ Though no signatures of the evaluation team members are visible in the evaluation report, despite the PWN’s statement that the team members had signed it, any procedural defect due to this did not undermine the appropriateness of the District’s evaluation.²⁷⁹

The Parents’ Arguments

27. In the hearing, Ms. Parent described the difficulties the Student shows in the home. Ms. Trembly established that having a difference between the symptoms a student presents at home and at school is “pretty typical.”²⁸⁰ As the Student’s expression of symptoms at school do not interfere with her participation in school or with earning good grades, this discrepancy did not make the evaluation’s results unreliable and did not undermine the appropriateness of the District’s evaluation.

28. The Parents assert that the Student “does not have the ability to fully advocate for herself.”²⁸¹ They argue that “the evaluation was not administered in a way that adequately accounted for [the Student’s] inability to self advocate.”²⁸² As a result, they believe “there is a significant risk that the responses obtained do not accurately reflect the child’s true abilities” and that “the reliability of the data is compromised.”²⁸³ However, the Student’s participation in the classroom establishes her communication skills appear to be on par with her same-aged peers. Further, Ms. Levy, a trained SLP, found any support the Student needed for her self-advocacy skills could be met through her general education classroom and her existing 504 plan. Given these facts,

²⁷⁶ WAC 392-172A-03020(3)(g).

²⁷⁷ See WAC 392-172A-03035; see also WAC 392-172A-03040(3)(a).

²⁷⁸ See WAC 392-172A-03035(1).

²⁷⁹ See WAC 392-172A-03035(1)(f).

²⁸⁰ T110 (Trembly).

²⁸¹ Parents’ Brief at 1.

²⁸² Parents’ Brief at 2.

²⁸³ Parents’ Brief at 1-2.

the Student's difficulties in this area did not make the evaluation's results unreliable and therefore did not undermine the appropriateness of the District's evaluation.

29. The Parents argue that the reliability of the evaluation is also put into question by "incorrect scoring criteria, scoring errors[,] and inconsistent labeling of portion[s] and what scoring criteria was being used."²⁸⁴ Mr. Parent's confusion of interpreting the BASC-3's scale usage is understandable; the District could make test results more clear by explaining which BASC-3 scale is used for each section of responses. However, the scales used are discernable with careful comparison.²⁸⁵ To the extent that the evaluation was confusing, had better-than-average scores labeled as "average," or had an incorrect confidence interval, these apparent problems did not undermine the reliability of the results or the appropriateness of the District's evaluation.²⁸⁶

30. In the hearing, Ms. Parent expressed concern that the Student was not provided necessary accommodations in her evaluations. But Ms. Levy let the Student decide when to end the testing for the day, and Ms. Trembly let the Student move around and throw a ball at the wall. No evidence shows the Student needed more accommodations. Further, no evidence establishes that receiving more accommodations would have led to the conclusion that the Student had additional symptoms needing support.

31. The ALJ has considered all the remaining arguments and concerns raised by the Parents in the hearing and in their post-hearing brief. None of the Parents' arguments or testimony establish that the District's evaluation was inappropriate.

32. It is understandable that the Parents would like additional supports for the Student, given the difficulties they observe at home. However, given the Student's good grades, classroom participation, and social connections, as well as her emotional regulation at school, the Parents' concerns do not establish that the District's evaluation results were unreliable or that the evaluation was inappropriate.

Conclusion

33. Based on the record, it is concluded that the District has established by a preponderance of the evidence that the October 2025 evaluation of the Student was appropriate.

²⁸⁴ Parents' Brief at 1; see T260-68, T271-73 (Mr. Parent).

²⁸⁵ See footnotes 82 and 87.

²⁸⁶ See 392-172A-03020; WAC 392-172A-03035.

34. Consequently, the Parents are not entitled to an IEE at public expense.

ORDER

The Tacoma School District's October 2025 evaluation was appropriate.

The Parents are not entitled to an independent educational evaluation at public expense.

SERVED on the date of mailing.



Marek E. Falk
Administrative Law Judge
Office of Administrative Hearings

Right To Bring A Civil Action Under The IDEA

Pursuant to 20 U.S.C. 1415(i)(2), any party aggrieved by this final decision may appeal by filing a civil action in a state superior court or federal district court of the United States. The civil action must be brought within ninety days after the ALJ has mailed the final decision to the parties. The civil action must be filed and served upon all parties of record in the manner prescribed by the applicable local state or federal rules of civil procedure. A copy of the civil action must be provided to OSPI, Legal Services, PO Box 47200, Olympia, WA 98504-7200. To request the administrative record, contact OSPI at appeals@k12.wa.us.

DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that true copies of this document were served upon the following as indicated:

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Parents

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Dated May 1, 2026, at Spokane Valley, Washington.

Lan Le

Representative
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cc: Administrative Resource Services, OSPI